

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DANIEL R. LUCIANO,

Plaintiff,

vs.

BERNICE BEOCKNER, and  
BEVERLY ANDERSON,

Defendants.

**8:17CV330**

**MEMORANDUM  
AND ORDER**

This matter comes before the court on Plaintiff's Motion to Continue.<sup>1</sup> ([Filing No. 9.](#)) Plaintiff requests additional time to respond to the court's December 14, 2017 Memorandum and Order ([filing no. 8](#)), which required Plaintiff to file sufficient evidence with the court showing that the amount in controversy is greater than \$75,000.00, the jurisdictional limit. For good cause shown, the court will grant Plaintiff an additional 30 days from the date of this order to file an Amended Complaint containing sufficient factual allegations to establish either federal question jurisdiction or diversity jurisdiction. If Plaintiff seeks to proceed under diversity jurisdiction, he must provide sufficient evidence

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<sup>1</sup> In his motion, Plaintiff alludes to a possible conflict of interest with the undersigned. If the Plaintiff believes the undersigned must recuse, he must file an appropriate motion. The motion may be filed under [28 U.S.C. § 144](#) which also requires the filing of an affidavit. Specifically, that statute provides in pertinent part as follows:

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

[28 U.S.C. § 144](#). *See also* [28 U.S.C. § 455](#).

Any such motion must be filed within 30 days of this date.

showing that the amount in controversy is greater than \$75,000.00. No further extensions of time shall be granted.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Continue ([filing no. 9](#)) is granted. Plaintiff shall have 30 days from the date of this order to file an Amended Complaint and, if diversity jurisdiction is asserted, sufficient evidence showing the amount in controversy is greater than \$75,000.00. Failure to file a response in accordance with this Memorandum and Order will result in dismissal of this matter without further notice to Plaintiff.

2. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **February 20, 2018**: deadline for Plaintiff to file Amended Complaint and evidence of diversity jurisdiction.

Dated this 19th day of January, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge